

Congress of the United States

Washington, DC 20515

May 31, 2002

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: North Korea

Dear Mr. President:

We appreciate the careful consideration you gave to the points made in our letter to you dated February 5, 2002, regarding North Korea. We particularly welcome the conclusion you drew in Presidential Determination 2002-12 of April 1, 2002, that the facts do not permit you to certify that North Korea is complying with all provisions of the Agreed Framework of 1994. In view of that Presidential Determination, as well as other facts that are now emerging, we believe there are a number of additional steps that the Administration should immediately undertake with respect to North Korea.

The Korean Peninsula Energy Development Organization (KEDO) anticipates that it will begin pouring the foundation of the first light water reactor this August and will complete a significant portion of the reactor project in 36 months. Meanwhile, the International Atomic Energy Agency (IAEA) says that, even with full cooperation from North Korea, it will need at least 36 months to determine if North Korea is in compliance with its nuclear safeguards obligations. Clearly, with North Korea continuing to refuse to open itself up to full nuclear inspections, construction of the reactor should not proceed.

The National Intelligence Council stated in its 2001 report to Congress entitled "Foreign Missile Developments and the Ballistic Missile Threat Through 2015" that "The Intelligence Community judged in the mid-1990s that North Korea had produced one, possibly two, nuclear weapons." Obviously the conclusion that North Korea likely has produced nuclear weapons implies the conclusion that North Korea has in the past maintained a covert program to produce such weapons. The combination of this fact with recent reports that North Korea is currently operating a covert uranium processing facility should raise U.S. concerns that North Korea is continuing to operate a covert nuclear weapons program contrary to the intent of the Agreed Framework.

Given these concerns, we believe three actions should be immediately undertaken to ensure that progress on the North Korean nuclear reactor construction does not get ahead of Pyongyang's compliance with the inspection requirements of the Agreed Framework. These steps are:

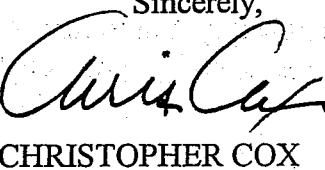
1. Instructing the U.S. representative to KEDO's executive board to advise KEDO that America's first priority is to make sure that the construction of nuclear reactors in North Korea does not get ahead of IAEA efforts to assure that North Korea is in full compliance with its safeguards obligations. To this end, the U.S. board member should object to pouring by KEDO of nuclear reactor foundations in North Korea prior to agreement by North Korea to initiation of the IAEA inspections called for in the Agreed Framework.
2. Completing an intelligence assessment of the IAEA's ability to ferret out all of North Korea's possible nuclear weapons-related materials and activities during the three-year course of inspections currently planned by the IAEA. Such assessments have been made in the case of Iraq with regard to UNSCOM and UNMOVIC inspections. We believe that at least as much should be done with regard to North Korea, and it should be done before nuclear reactor construction begins in earnest with the pouring of concrete foundations this August.
3. Discontinuing immediately all U.S. Department of Energy transfers of U.S. nuclear technology to North Korea. Such transfers might be only questionable were Pyongyang to be judged compliant with the Agreed Framework, but the policy is entirely unsound given that North Korea is not in compliance. We certainly cannot ask Russia to stop training Iranians to operate light water reactors when we continue to do so with a nation which, unlike Iran, is in clear violation of the Nuclear Nonproliferation Treaty. Moreover, following the attacks of September 11th, the U.S. government has restricted access by U.S. citizens to information regarding nuclear reactor safety and operation. In light of this precaution, it is difficult to justify sharing that same information with a government in North Korea that may have a covert weapons program, is listed as a state sponsor of terrorism, and still refuses nuclear inspections.


Taking these steps now is essential to buttressing the IAEA in its efforts to begin the nuclear inspections required under the Agreed Framework. These steps also will ensure that U.S. policy does not inadvertently help North Korea develop nuclear weapons.

Again, we appreciate the care with which you have approached this issue, and look forward to continuing to work with you on it.

Sincerely,


EDWARD J. MARKEY


CHRISTOPHER COX


BENJAMIN A. GILMAN